

Appl. No. 10/559860
Decl. dated March 9, 2009
Reply to Office action of Jan. 5, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.:	10/559860	Confirmation No. 7437
Applicant:	Nilfuroshan, Ali	
Filed:	December 6, 2005	Docket No.: 101663.0001US2
TC/A.U.:	3643	Customer No.: 24392
Examiner:	Nguyen, Son T.	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132 TO ESTABLISH COMMERCIAL SUCCESS

(1) The Office has rejected claims 61-68, and 70-74 as being obvious over the following cited references in various combinations: German Pat. No. DE 20021260U1 to Uhr, Japanese Pat. Appl. No. H08-287365 to Tadauchi, United Kingdom Pat. Appl. No. 2374535 to Wilson, U.S. Pat. No. 5271211 to Newman, U.S. Pat. No. 6443101 to Fazio, U.S. Pat. No. 5537954 to Beeghly, German Pat. Appl. No. DE 4140507A to Schulte, U.S. Pat. No. 233275 to Osborn, and U.S. Pat. Appl. No. 2003/0061790A1.

(2) The undersigned hereby declares that the device as presently claimed has enjoyed in relatively short time significant commercial success. In support of this declaration, the undersigned, on behalf of Recover Blankets, the Assignee of the current application, provides statements that establish that the commercial success is due to the functions, advantages, and claimed features of the inventive therapeutic horse blanket and is not due to heavy advertising, consumption by customers normally tied to the applicant, and/or other events extraneous to the merits of the claimed invention.

(3) The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that will false statements made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

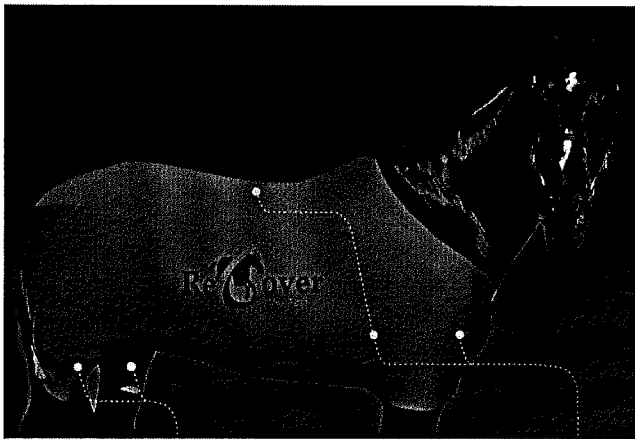
By: 
Kevin Bello

STATEMENT

I Kevin Bello, am the co-owner of Recover Blankets, LLC, the assignee of U.S. Patent Appl. Serial No. 10/559860. I have worked in this capacity for more than 3 years.

I, the undersigned, Kevin Bello and on behalf of Recover Blankets, LLC, hereby declare as follows:

1. Recover Blankets, LLC sells therapeutic horse blankets as shown in the attached picture.



2. I have been informed that claims in the above-referenced application have been rejected based on various obviousness grounds. I believe that the rejection is inappropriate as follows:
3. The therapeutic horse blanket as shown in the picture below has the ability to therapeutically treat many different sized horses without having to purchase many different sized blankets, when compared to other horse blankets in the market before. Among other things, the decision to purchase this device was driven by:
 - (a) inclusion of freely positionable pockets on an underside of the blanket using hook and loop fasteners, each of which has a cavity that includes a removable temperature altering device. By using freely positionable pockets, a user can easily and effectively isolate specific areas of a horse for therapeutic treatment without having the use wraps or pre-positioned pockets that are ineffective at isolating specific areas. Moreover, previous horse blankets only use external fixed pockets, and thus by coupling the freely positionable pockets on the inside surface of the horse blanket, the present invention is the first of its' kind in the market place and most certainly unique.
 - (c) inclusion of different sized pockets allowing a user to even more effectively isolate specific areas of a horse for treatment. For example a user can use small pockets

to isolate the stifle and hind-quarter areas, and large pockets to isolate a horse's spinal muscles and shoulders.

(d) a flap coupled to the blanket, wherein the flap includes another pocket positioned to deliver a temperature altering regimen to a stifle joint of the horse. Existing blankets on the market simply fail to allow a user to isolate the stifle joint of a horse for therapeutic treatment. Rather a stable hand must either hold a cold/heat pack on the horse's stifle joint or rub the stifle joint with cold/hot water, or try and use a makeshift wrap for a treatment application. Thus, there is a long felt need for a horse blanket that effectively targets the stifle joint of a horse.

(e) the simplicity and ease of which a user can freely position the pockets about the inside of the current horse blanket and the ability to effectively target a horse's stifle joint are simply incredible that neither I nor my customers have ever seen before.

The aforementioned features made for a therapeutic horse blanket having remarkable advantages over existing horse blankets that proved to be the driving force behind Recover Blankets sales and our customers repeated purchases of our therapeutic horse blankets.

4. My customers have repeatedly stated that Recover Blankets therapeutic horse blanket is superior to many other horse blankets in the market for the reasons above.
5. The following table illustrates Recover Blankets sales activities:

DATE	CUSTOMER	VOLUME SOLD
11/2005	Ruitersport Ingrid v Berlo	7 Units
1/2006	Phillipe Benoit, DVM	50 Units
3/2006	FarmVet	30 Units
5/2006	MacKinnon Ice Horse	1 Units
2/2007	Lockford Hay Station	6 Units
9/2007	Bethany Peslar	3 Units
9/2007	Kelly Conway	2 Units
11/2008	Jesef Assef	50 Units
1/2009	Dana Keilani	30 Units
2/2009	Rudy Llacuna	20 Units

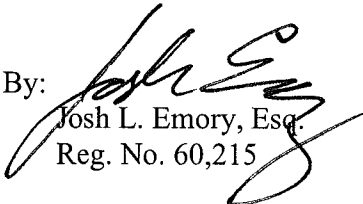
6. I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at San Diego, CA, this 3rd day of June, 09.

By: 
Kevin Bello

Respectfully submitted,
Fish & Associates, PC

Dated: June 5, 2009

By: 
Josh L. Emory, Esq.
Reg. No. 60,215

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